

REMARKS

Claims 4, 6, 8, and 13-20 are withdrawn from consideration. Claims 1, 5, 10, 11, and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Number 6,286,794 to Harbin (hereinafter “Harbin”). Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbin. Claims 1, 5, 22, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number 6,945,412 to Felcman et al. (hereinafter “Felcman”) in further view of United States Patent Number 6,783,105 to Oddsen (hereinafter “Oddsen”). The Board of Patent Appeals and Interferences decided on August 28, 2008 that the rejection of claims 1, 5, 10, 11, 21, and 22 is affirmed. The Board further decided that the decision to reject claim 23 is reversed.

Amendments to the Claims

Applicants have amended claim 1 with the limitations of claim 23. Claim 23 is canceled.

Response to rejections of claims under 35 U.S.C. § 102

Claims 1, 5, 10, 11, and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Harbin. Applicants have amended independent claim 1 with the limitations of claim 23. Applicants submit that Harbin does not teach a “...mounting mechanism mounted to a divider panel of a computer equipment rack such that the vertical storage position is outside of the computer equipment rack and places the upper support and lower support behind a face of the computer equipment rack...” as claimed by for claim 1. Applicants therefore submit that claim 1

is allowable, and that claims 5, 10, 11, and 22 are allowable as depending from allowable claims.

Response to rejections of claims under 35 U.S.C. § 103

Claims 1, 5, 10, 11, and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Harbin. Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbin.

Claims 1, 5, 22, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Felcman in further view of Oddsen.

Applicants have amended independent claim 1 with the limitations of claim 23. Applicants submit that as claim 1 includes all of the limitations of claim 23, and that as the rejection of claim 23 was reversed on appeal, that claim 1 is allowable. Applicants further submit that claims 5, 10, 11, 21, and 22 are allowable as depending from allowable claims. Claim 23 is canceled.

Conclusion

As a result of the presented remarks, Applicants assert that claims 1, 5, 10, 11, and 21-22 are in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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